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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,063	11/29/2000	David L. Caulfield	5485.01P	8671

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EXAMINER	
VAN DOREN, BETH	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/726,063	CAULFIELD, DAVID L.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office action in response to communications received 11/29/2004. By these communications, applicant cancelled claims 1-22 and added claims 23-38. These communications further included a petition for revival under 37 CFR 1.137(b). This petition was granted on 02/22/2005. Claims 23-38 are pending in this application.

Response to Amendment

2. Applicants cancellation of claims 1-22 overcome the 35 USC § 102(e) rejections of claims 1, 2, 12, 13, 21, and 22 and the 35 USC § 103 rejections of claims 3-11 and 14-20. However, after further consideration, new rejections have been established below, as necessitated by amendment.

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new grounds of rejection, as necessitated by amendment.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A method and system for estimating the completion time of a repair".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23, 26-28, 32, 33, 35, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Frisina (U.S. 6,385,621).

6. As per claim 23, Frisina discloses a computerized method for estimating a completion time for a repair of an automobile in an auto body shop, comprising:

using a computer to examine auto body repair data present in a database comprising data corresponding to pre-work idle time, actual repair time, and department idle time of automobiles in need of a given repair in a given auto body shop (See figure 1, column 1, lines 55-65, column 4, lines 10-45, column 6, lines 1-25, and column 9, example work order, which discloses daily preparation time (pre-work idle time), actual repair time, and wait time and travel time (department idle time));

determining average time periods from the auto body repair data (See column 1, lines 43-62, column 3, lines 1-26, column 6, lines 1-25, and column 9, example work order, wherein the average time periods, using historical data, is determined); and

determining the sum of the average time periods in estimating the completion time of the given repair of the automobile in the given auto body shop (See column 1, lines 43-62, column 3, lines 1-26, column 6, lines 1-25, and column 9, example work order, wherein an estimate of the time to completion is given).

7. As per claim 26, Frisina discloses updating the database based on data input by a technician of the given auto body shop, the technician being is responsible for repairing at least a

portion of the automobile (See column 2, lines 1-25, column 3, lines 1-15, column 6, lines 45-65, wherein actual time is added to the database based on the returned work order).

8. As per claim 27, Frisina discloses wherein the updating is automated (See column 2, lines 1-25, column 3, lines 1-15, column 6, lines 45-65, wherein actual time is added to the database).

9. As per claim 28, Frisina discloses wherein the auto body repair data includes efficiency data of at least one technician of the given auto body repair shop, the efficiency data used in calculating the average time periods (See column 6, line 45-column 7, line 5, and column 12, bottom-work order calculations, operation 70, which disclose applying a schedule factor reflecting efficiency of the performance of the worker).

10. As per claim 32, Frisina discloses tracking each event of the given repair of the automobile while the automobile is in the auto body shop (See column 1, lines 55-62, column 3, lines 3-25, column 6, lines 45-67, which discusses tracking the events of the automobile repair shop).

11. Claim 33 is substantially similar to claim 23 and is therefore rejected using the same art and rationale set forth above.

12. Claims 35 and 38 are substantially similar to claims 28 and 32, respectively, and are therefore rejected using the same art and rationale set forth above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24, 25, 29-31, 34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisina (U.S. 6,385,621) in view Li (U.S. 2002/0072808)

14. As per claims 24 and 25, Frisinia teaches receiving data in the database from a technician of the given auto body shop, the technician being responsible for repairing at least a portion of the automobile (See column 4, lines 30-42, and column 6, lines 45-65, wherein a technician is the control member and reports actual time when returning the work order, the returned work order updating the data of the system). However, Frisinia does not expressly disclose that this data is input by the technician in substantially real-time.

Li discloses the technician (i.e. service associate) inputting data into the database in substantially real-time (See paragraphs 0007, 0042-4, 0061-2, 0064-5, wherein the technician enters data into the system).

Both Frisinia and Li disclose systems used when performing repairs to an automobile, wherein the system is updated by the actions of the service associate/technician. Frisinia teaches that upon completion of work, the work order is returned with actual time, materials, and tools used, all of which are added to the database. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the technician to directly input this data into the database of the system in order to more efficiently update the standards database based on actual data by better integrating the system. See column 1, lines 35-60, which discusses the importance of integration in the updating of a standards program.

15. As per claim 29, Frisinia teaches auto body repair data in a database, used by the system (See figure 1, column 1, lines 55-65, column 4, lines 10-45, column 6, lines 1-25). However,

Frisinia does not expressly disclose and Li discloses generating at least one report based on this data (See paragraph 0039, which discloses providing a report based on data in the system).

Both Frisinia and Li disclose systems used when performing repairs to an automobile, wherein the data of the system is updated by the actions of the service associate/technician. Frisinia discloses utilizing the data of this database to perform actions, such as determining a scheduling factor reflecting efficiency. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to generate a report based on the data already stored and manipulated in the system of Frisinia in order to more efficiently perform process improvements by better communicating the causes of process inefficiencies. See paragraphs 0036-9 of Li.

16. As per claim 30, Frisinia discloses determining work efficiency of technicians of the auto body repair shop (See column 6, line 45-column 7, line 5, which disclose a schedule factor reflecting efficiency of the performance of the worker). However, Frisinia does not expressly disclose determining the work efficiency of one technician of the auto body shop in real time.

Li discloses determining the work efficiency of a technician of an auto body shop (See paragraphes 0037-0039, which discusses determining the efficiency of one technician). However, while Li discloses monitoring the technician in real time and assigning an efficiency score, Li does not disclose that the efficiency score is determined in real time.

Both Frisinia and Li disclose systems used when performing repairs to an automobile, wherein the time and efficiency of technicians is tracked to better assign technicians and estimates to jobs. It would have been obvious to one of ordinary skill in the art at the time of the invention to assign an efficiency score to one technician in order to more efficiently determine

estimates for jobs by taking into consideration accurate adjustments needed per technician. See column 1, lines 45-61, and column 6, lines 45-65, which discusses the importance of generating accurate, actual duration estimates for work orders.

17. As per claim 31, Frisinia discloses assigning auto body repair work for the given repair to a technician, specifically by craft type (See column 3, lines 4-21, column 4, lines 30-42, and column 6, lines 45-65, wherein a given technician is a control member). However, Frisinia does not expressly disclose and Li discloses assigning a technician based on availability of the technician (See paragraphs 0045-8, wherein a technician is scheduled based on his/her availability for a date/time).

Both Frisinia and Li disclose systems used when performing repairs to an automobile, wherein the system is updated by the actions of the service associate/technician. Frisinia teaches that technicians are assigned to jobs based on required duration and craft type, wherein certain workers are associated with certain crafts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the scheduler module of Li (which considers availability and skills) to assign technicians to work in order to more efficiently enable the system to schedule work to technicians available and qualified to perform the work, efficiency achieved through the better integration of the system. See column 1, lines 35-60, which discusses the importance of integration in the system of Frisinia.

18. As per claim 34, Frisinia teaches wherein at least a portion of the software is provided on a first computer remotely located in the given auto body shop from the computer with the database, the first computer being in communication with the computer having the database so that data input into the first computer of the given auto body shop can be stored in the database

(See figure 1, column 2, line 55-column 2, line 25, and column 6, lines 45-65, wherein software is remotely located from the database). However, Frisinia does not expressly disclose that a technician responsible for repairing at least a portion of the automobile inputs data into a database.

Li discloses the technician (i.e. service associate) inputting data into the database (See paragraphs 0007, 0042-4, 0061-2, 0064-5, wherein the technician enters data into the system).

Both Frisinia and Li disclose systems used when performing repairs to an automobile, wherein the system is updated by the actions of the service associate/technician. Frisinia teaches that upon completion of work, the work order is returned with actual time, materials, and tools used, all of which are added to the database. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the technician to directly input this data into the database of the system in order to more efficiently update the standards database based on actual data by better integrating the system. See column 1, lines 35-60, which discusses the importance of integration in the updating of a standards program.

19. Claims 36-37 are substantially similar to claims 29-30, respectively, and are therefore rejected using the same art and rationale set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cherrington et al. (U.S. 6,070,155) discloses a technician computing device wherien the technician inputs information to a database concerning a repair.

Jones et al. (U.S. 2002/0024537) discloses an integrated system for managing an auto dealership that includes a time clock that monitors times associated with an individual to determine timing for services, a scheduling feature that determines availability, etc.

Reichwein et al. (U.S. 6,311,162) discloses preparing work orders for an automobile.

Reichwein et al. (U.S. 2001/0053983) discloses preparing work orders for an automobile and calculating a vehicle estimate and pickup time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
November 2, 2005

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